

Office of Professional Accountability (OPA) Commendations & Complaints Report December 2006

Commendations:

Commendations Received in December: 21

Commendations Received to Date: 397

An, Jiahong Culp, Adam Digalis, Theresa Gardea, Oscar Lazarou, Pete McAuliffe, Richard Ross, Laurie Seibert, Robin Steinberg, Lydee Witmer, Donald	Multiple officers were commended for their professionalism and support to a victim of a mugging. They were terrific in relaying victim's info and description of assailant to others for the search.
Bowling, Chris Johnson, Donald Pasquan, Matthew	Three bike officers were commended for locating and arresting a homicide suspect pursuant to a pedestrian violation. Because of their hard work, the suspect is now in jail.
Bulawa, James	Officer Bulawa received a commendation for his positive interaction with a citizen.
Faust, Eric Miller, Rebecca Osborne, Joseph	A reported stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. Three officers were commended for their diligence and quick response
Fulmer, Penelope Hagemann, Clark Hillan, Bridget Page, Jeffrey	Officers were commended and recognized for their participation in the U5 Project Emphasis. They dealt with on-going problems associated with University Way. Business owners and criminals knew them. The officers consistently made contacts, wrote citations, answered calls in the area and made numerous arrests. They maintained very high stats through the entire project.

*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

December 2006 Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

UNNECESSARY FORCE

Synopsis	Action Taken
The complainant alleged that the named employee used unnecessary force when he threw the complainant on the patrol car causing an abrasion and then threw him onto the ground.	The investigation determined that there was no evidence of misconduct. The evidence supported that the employee utilized minimum force necessary to restrain the complainant until other officers arrived. FINDING—EXONERATED.

<p>The complainant alleged that the named employees used excessive force when they tased him twice after stopping him for attempted forgery at a bank.</p> <p>The complainant also alleged that there was missing property from his vehicle subsequent to his arrest.</p> <p>The complainant further alleged that the named employees punched, kicked, and dragged him around without cause.</p>	<p>The investigation revealed that the complainant had been stopped for attempted forgery and fraud. The complainant then fled on foot. Only necessary and reasonable force was used to take the complainant into custody. FINDING UNNECESSARY FORCE—UNFOUNDED.</p> <p>It was also determined, based on the evidence available, that there did not appear to be any irregularities with the property inventory or evidence seized at the time of the incident. FINDING EVIDENCE HANDLING—UNFOUNDED.</p> <p>No evidence was found to support the allegation that the employees acted in an unprofessional manner. FINDING PROFESSIONALISM—UNFOUNDED.</p>
<p>The complainant alleged that the named employee used excessive force when his face was pushed into the patrol car following a traffic violation and that the named employee made disparaging comments about the complainant.</p>	<p>The evidence did not support either of the allegations. Witnesses and other employees provided testimony that contradicted the information provided in the complaint. FINDING—UNNECESSARY FORCE-UNFOUNDED. FINDING PROFESSIONALISM—UNFOUNDED.</p>
<p>The complainant alleged that the named employee used unnecessary force during his arrest by grabbing his right arm and slamming him onto the ground.</p>	<p>The facts clearly supported that the events did not occur as described. The employee's actions were determined to be necessary and within department policy. FINDING—EXONERATED.</p>
<p>The complainant alleged that the named employee used unnecessary force when he detained him by pushing him against a wall and held him there with an elbow causing pain and bruising to his back. The complainant also alleged that the named employee failed to identify himself as required by Department policy.</p>	<p>There was insufficient evidence to determine if the misconduct occurred as reported. FINDING FORCE—NOT SUSTAINED.</p> <p>The evidence did support that the employee failed to provide his name in <i>writing</i> as required by policy. The employee did provide a generic business card with his serial number and incident number. This was determined to be a training issue and not misconduct. FINDING FAILURE TO ID SELF—SUPERVISORY INTERVENTION.</p>
<p>The complainant alleges in a claim against the City that the named employee used unnecessary force when she was slammed against a refrigerator, causing pain, and handcuffs were placed on her too tightly.</p> <p>The complainant also alleged that the arrest was racially motivated.</p>	<p>The employee stated that she neither used any force nor did she employ any techniques to control the complainant. The evidence supported the employee's position. FINDING UNNECESSARY FORCE—EXONERATED.</p> <p>There was no evidence of misconduct on the part of the employee. The allegation that enforcement action been taken on the basis of race and not the violation was not supported. FINDING UNBIASED POLICING—UNFOUNDED.</p>

The complainant alleged that the named employee used excessive force when he choked the complainant for five minutes and refused to loosen the handcuffs when requested, resulting in injury to the complainant's hands.	The facts did not support the allegation as reported. Two civilian witnesses and another employee provided testimony to support the employee's actions. Further, it was determined that the handcuffs were applied appropriately and were in fact readjusted at the request of the complainant. FINDING FORCE—UNFOUNDED.
The complaint alleges that while officers were arresting him for a court order violation, that the employees used excessive force by striking him in the face and hitting him several times with a flashlight.	<p>The evidence supported that significant and appropriate force was necessary to take a combative and resisting subject into custody. FINDING FORCE—EXONERATED.</p> <p>Inconsistencies in the complainant's description of the incident and uncertainty over the identification of the employee resulted in the inability to either prove or disprove the allegation by a preponderance of the evidence. FINDING PROFESSIONALISM—UNFOUNDED.</p>

INTEGRITY-- MISUSE OF AUTHORITY

Synopsis	Action Taken
The complainant alleged that the named employee stopped her for a license tab violation, made inappropriate inquiries and comments about her appearance, and asked her to meet him socially. She further alleged that the named employee called her the next day at her place of employment and again asked to meet socially.	The evidence showed that the named employee ran the complainant's license plate although no violation was evident. He directed the complainant into his patrol vehicle, detained her while he discussed possible infractions, and engaged her in discussion of personal issues. The employee did not log out to the traffic stop or document the stop. The evidence also supports that the named employee contacted the complainant at her place of employment and asked her to meet him socially. FINDING—SUSTAINED.

STANDARDS & DUTIES

Synopsis	Action Taken
The complainant alleged that the named employee used profanity during a traffic stop, failed to provide a reason for the contact, and would not allow the complainant to answer the named employee's questions.	<p>Conflicting information and inconsistencies in the testimony led to a determination that the incident did not unfold as originally reported. Finding PROFESSIONALISM (PROFANITY)—UNFOUNDED.</p> <p>It was further determined that the stop was within the employees duties in detecting and deterring crime. Finding REASONABLE SUSPICION STOP—EXONERATED</p>

VIOLATION OF LAW

Synopsis	Action Taken
The complainant alleged that her ex-husband, the named employee, committed a violation of domestic violence when he made harassing telephone calls to her. The complainant also alleged that the named employee threatened to kill her during one such call.	The investigation determined that there was not a pattern of calls and hang-ups to suggest harassment. The number of calls was opined to be appropriate as the employee and the complainant are involved in an on going custody issue that has significant consequences for both of them. There was no corroborative evidence to prove or disprove that the employee made threats or veiled threats to the complainant. Finding—NOT SUSTAINED.

The complainant alleged to another police agency that the named employee was engaged in domestic violence behavior in another jurisdiction when he entered his ex-girlfriend's home, attempted to destroy her personal property, broke a window on her car, and threatened to have the police retaliate against her.	This complaint was initiated by a third-party. After interviewing the alleged victim, it was determined that no crime had occurred, there had been no incident of domestic violence, or any reason for the police to be involved. There was no evidence of unlawful behavior on the part of the employee. Finding—UNFOUNDED.
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VIOLATION OF RULES, REGULATIONS, LAWS

Synopsis	Action Taken
The complainant alleged that the named employees tried to set him up for an arrest by placing marked currency in his pocket and that the named employees pulled down his pants, effectively strip-searching him in public.	<p>The evidence did not support the complaint, which was filed almost two years after the alleged misconduct occurred. Evidence showed a routine buy-bust operation. It was determined that it was highly unlikely that the incident occurred as described. FINDING HONESTY—UNFOUNDED.</p> <p>Evidence supported that a strip search was conducted at the precinct, recovering both narcotics and cash from the complainant. FINDING STRIP SEARCH—UNFOUNDED.</p>

December 2006 Cases Mediated:

- 1) The complaint alleged that while attempting to file a report, that the citizen was treated in a rude and condescending manner and that the employee failed to assist the citizen as had been requested.
- 2) The complainant alleged that the named employee had mistakenly identified the vehicle her son was driving as having been stolen and stopped her 16 yr old son. She advised that the employee's actions were rude, aggressive and inappropriate.

Definitions of Findings:

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Not sustained” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“Exonerated” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

“Supervisory Intervention” means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee’s chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.

“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

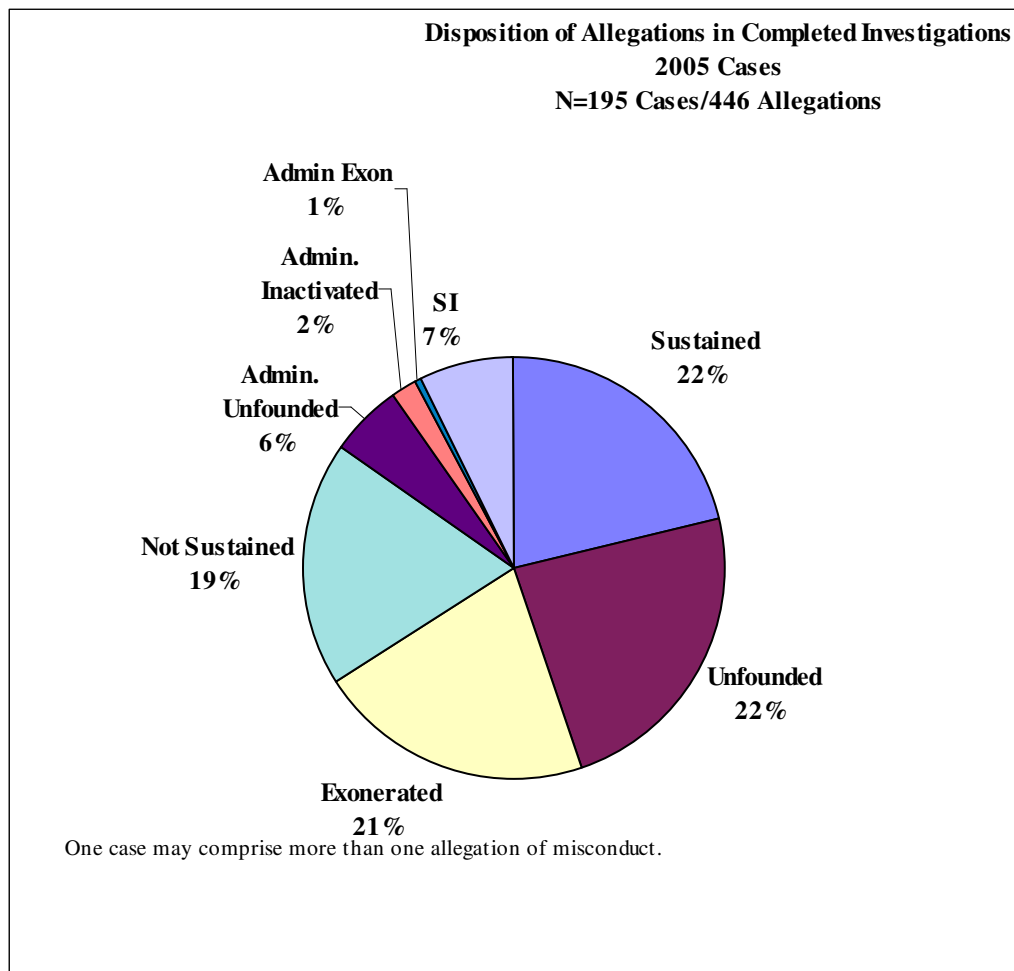
“Administratively Inactivated” means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Status of OPA Contacts to Date: 2005 Contacts

	December 2005	Jan-Dec 2005
Preliminary Investigation Reports	23	315
Cases Assigned for Supervisory Review	5	77
Cases Assigned for Investigation (IS;LI)	8	210
Cases Closed	40	195*
Commendations	84	498

*includes 2005 cases closed in 2006

note: the below chart has been changed effective the July 2006 report (June data) to reflect cases that have a "Supervisory Intervention" (SI) finding.



2006 Contacts

	Dec 2006	Jan-Dec 2006
Preliminary Investigation Reports	14	284
Cases Assigned for Supervisory Review	5	83
Cases Assigned for Investigation (IS;LI)	10	175
Commendations	21	397